SBCivil Writ Petition No.2905/1995

Rajendra Kumar Vaishnav
vs.
Jai Narain Vyas University, Jodhpur & Anr.

Date of Order :: 4th April, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. I.R.Choudhary, for the petitioner.

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The petitioner was declared passed in Senior School Certificate Examination, 1990 by the Central Board of Secondary Education though he stood failed in the subject of Chemistry.

A provisional certificate declaring the petitioner passed in Senior Secondary School Examination was issued by the National Open School on 1.10.1992. On basis of certificate referred above and the mark-sheet pertaining to the Senior School Certificate Examination 1990 the petitioner was admitted to three years degree course of B.A. at Jai Narain Vyas University, Jodhpur in the Educational Session of 1991-92.

The petitioner appeared in B.A. TDC Ist year examination 1992 with direction by the Deputy Registrar Examination Section to undergo an examination of Chemistry alongwith main examination of B.A. in the year 1993. The petitioner appeared in the

examination pertaining to the subject of Chemistry but was declared failed. In the meantime the petitioner also appeared in B.A. IIIrd year Examination, 1994 but his result was withheld on being failed to qualify the examination pertaining to Chemistry. In the month of November, 1994 the petitioner passed the examination pertaining to the subject of Chemistry by appearing in the examinations conducted by the National Open School, New Delhi. The petitioner submitted the mark-sheet issued by the National Open School, New Delhi to the competent authority with a request to declare his result pertaining to B.A. Final year examination and to award him degree in the event of qualifying B.A. Examination. The respondent University rejected the request made by the petitioner and a decision was taken to cancel the examination undertaken by the petitioner and other similarly situated persons who failed to qualify the additional subject i.e. of the Chemistry in the present case.

Being aggrieved by the decision of the University the instant petition for writ is preferred.

No reply to the writ petition has been filed on behalf of the University and nobody put in appearance on its behalf.

Heard counsel for the petitioner.

The counsel for the petitioner utterly failed to satisfy the Court with regard to entitlement of the petitioner for getting petitioner's result for B.A. Examination declared without qualifying Chemistry Examination. It is pertinent to note that the respondent University while issuing mark-sheet pertaining to B.A. Ist year Examination on 3.10.1992 made it clear that in the event petitioner failed to qualify Chemistry Examination, he will not be entitled to continue his admission in B.A. No material is available on record on basis of which it can be said that the petitioner was having any right to be admitted in B.A. Examination and to qualify the same without getting success in the subject of Chemistry pertaining to Senior Secondary School Examination. The counsel for the petitioner is having no provision, guideline or resolution taken by the University to admit and award B.A. degree to a person who has not qualified all the subjects of Senior Secondary School Examinations.

In view of whatever discussed above, I do not find any merit in the petition for writ. The same, therefore, is dismissed.

(GOVIND MATHUR),J.

kkm/ps.